

GIBSON DUNN

Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Avi Weitzman
Direct: +1 212.351.2465
Fax: +1 212.351.5265
AWeitzman@gibsondunn.com

September 10, 2014

VIA HAND DELIVERY AND E-MAIL

The Honorable Denise L. Cote
United States District Court for the Southern District of New York
500 Pearl Street
Room 1610
New York, NY 10007

Re: In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, No. 14-Misc-258

Dear Judge Cote:

We represent Petitioners The Coalition To Protect Clifton Bay (“Save The Bays”) and Louis Bacon (“Mr. Bacon”) (together, “Petitioners”) in connection with the above-referenced action seeking discovery from a whistleblower, Stephen Feralio (“Mr. Feralio”), pursuant to 28 U.S.C. § 1782 (the “Section 1782 Action”).

We write pursuant to Rule 4(A) of Your Honor’s Individual Practices in Civil Cases to request permission to submit a letter under seal in the above-referenced application. This two-page letter, which we plan to submit tonight to Your Honor via e-mail (as authorized by Chambers), is in response to the 13-page letter submitted today, under seal, by Nygård International and Nygård Inc. (together the Nygård Companies). Given the nature of the allegations in Petitioners’ letter, we respectfully request permission to file the letter under seal.

Sincerely,



Avi Weitzman

AW/cjc

cc: Marc E. Kasowitz, counsel for Peter Nygård and Nygård International (by e-mail)
Aaron H. Marks, counsel for Peter Nygård and Nygård International (by e-mail)
Steven D. Feldman, counsel for Steven Feralio (by e-mail)